

**Town of Westerlo
Town Board
1. Public Hearing – Proposed 2017 Westerlo Volunteer Fire Co Budget
2. Public Hearing – Proposed 2017 Westerlo Rescue Squad
3. Public Hearing – Proposed 2017 Preliminary Budget (Rescheduled to 11/15/16 at 7PM)
4. Regular Town Board Meeting
Of
Wednesday, November 9, 2016**

The Town of Westerlo Town Board held a Public Hearing on the proposed 2017 Westerlo Vol. Fire Co. Budget at Town Hall 933 County Route 401, Westerlo NY. Supervisor Rapp opened the public hearings at 7 PM with the Pledge of Allegiance to the Flag.

Attending were: Supervisor Richard H. Rapp
Councilman Anthony W. Sherman
Councilwoman Amie L. Burnside
Councilman Joseph J. Boone
Councilman William F. Bichteman

Also attending were: Edwin H. Lawson Deputy Supervisor/Zoning Administrator/Code Enforcement Officer, Dennis Fancher Town Historian, John Sefcik ZBA member, Gerry Boone Planning Board member, Keith Wright Highway Superintendent, Patricia Boice Clerk to the Supervisor, Claire Marshall Clerk of the Assessor, Gertrude Smith Deputy Town Clerk, Karla Weaver Deputy Town Clerk II, Kathleen Spinnato Town Clerk and eleven residents.

Public Hearing -2017 Proposed Westerlo Vol. Fire Co. Budget

Supervisor Rapp asked the public if they had any questions regarding the proposed 2017 Town of Westerlo Fire Co. Budget in the amount of \$225,863. There being no questions, Supervisor Rapp made a motion to close the Public Hearing on the 2017 Westerlo Vol. Fire Co. Budget, seconded by Councilman Bichteman, motion carried all in favor. Public Hearing adjourned at 7:02 PM.

Public Hearing – Rescheduled 2017 Town of Westerlo Preliminary Budget

Councilman Bichteman advised the public due to an error made by the Altamont Enterprise in publishing the ad for the Public Hearing on the Preliminary Budget the ad didn't print in the Nov. 3rd issue of their paper, instead the Rescue Squad ad printed twice. The Public Hearing for the 2017 Town of Westerlo Preliminary Budget has been rescheduled to Tue., Nov. 15, 2016 at 7 PM.

Public Hearing – 2017 Proposed Westerlo Rescue Squad Budget

Supervisor Rapp opened the Public Hearing on the proposed 2017 Westerlo Rescue Squad Budget in the amount of \$100,000 at 7:05 PM. He asked the public if they had any questions, there being none, Councilman Bichteman made a motion to close the Public hearing, seconded by Councilwoman Burnside, motion carried all in favor. Public Hearing closed at 7:07 PM.

While waiting for the regular Town Board meeting to be opened Councilman Bichteman informed all who were present he would like to correct the record. In a recent article in the Altamont Enterprise someone had indicated according to the State Comptroller's Office that the Town of Westerlo was in distress. He had obtained a copy of the report from the State Comptroller's Office, the Town of Westerlo is **not** listed on the report for the year 2015. For anyone who wants to see this report it is on the table. The Town Clerk advised in a separate article in the Altamont Enterprise the reporter indicated the incorrect salaries for the Supervisor, Assessor, & other depts.

Supervisor Rapp reported on the 11/8/2016 Election and the vote for proposition # 2 – Proposed town hall renovation project, was defeated. The vote was 720 yes and 792 no. A resident had questions concerning the election machine, her questions were responded to by the Town Clerk. Discussion followed on the Election. Councilman Boone thanked the Election Inspectors for their long hours of service to the community.

Oath of Office

The Oath of Office was administered to Councilman Joseph J Boone who was elected to fill the position vacated by Theodore S. Lounsbury III.

REGULAR TOWN BOARD MEETING

Supervisor Rapp opened the Town Board meeting at 7:30 PM. He informed the public that a Public Hearing on the 2017 Preliminary Budget had to be rescheduled and the Town Board couldn't adopt the Budget tonight. The notice for the Public Hearing on the Preliminary Budget was not advertised in the Nov. 3 issue of the newspaper due to an error in publishing made by the Altamont Enterprise. The Public Hearing on the Preliminary Budget will have to be rescheduled by the Town Board to Tue., November 15 at 7:00 PM.

Meeting to adopt the 2017 Town of Westerlo Budget

The Town Board discussed the options the Town would now have in order to adopt the budget as a result of the publishing error made by the Altamont Enterprise (AE). The Town Clerk reported the next issue of the AE doesn't come out until Nov. 17th and the deadline for the adoption of the budget is Nov. 20th and she suggested advertising in the Times Union as an alternative. Councilman Bichteman indicated it should be in the official newspaper the AE. Councilman Sherman suggested that as a result either advertising or adoption deadlines may not be met. He then made a motion to adopt the following resolution:

WHEREAS: Due to a publishing error made by the newspaper and upcoming deadlines the Town Board needs to reschedule a meeting for adoption of the 2017 Town of Westerlo Budget, be it hereby

RESOLVED: the Town Board authorizes the Supervisor to seek legal counsel and to schedule a meeting date for the adoption of the 2017 budget, as deemed appropriate by the Town Attorney, to include in the newspaper if possible and on the Town's website.

Councilman Bichteman seconded the motion, a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Sherman, Councilman Bichteman , Councilman Boone and Councilwoman Burnside

NAYS: None.

RESOLUTION #42-2016 was thereby duly adopted.

Town Board Minutes

Supervisor Rapp asked for a motion to approve the following Town Board minutes; Town Board Workshop of 9/22/16, Town Board meeting of 10/4/2016, Town Board Workshop of 10/18/2016 and the Special Town Board of 10/27/2016. Councilman Bichteman made a motion to accept all the minutes as submitted, seconded by Councilwoman Burnside, motion unanimously carried.

Supervisor's Report September

Supervisor Rapp asked for a motion to approve the report. Councilman Sherman made a motion to accept the Supervisor's Report for the month of September as submitted, seconded by Councilman Boone, motion unanimously carried.

Town Clerk's Report October

Supervisor Rapp asked for a motion to approve the Town Clerk's report. Councilwoman Burnside made a motion to accept the Town Clerk's report for the month of October as submitted, seconded by Councilman Bichteman, motion unanimously carried.

Court Grant Application

Supervisor Rapp reported the proposal for town hall renovation project which included the Court was defeated. Councilman Bichteman advised the court grant application can't be submitted now. There is no approval for the renovation project the town lost the opportunity for \$30,000 in grant monies.

Highway Dept.

Supervisor Rapp advised the Highway Dept. needs a 20 ton equipment trailer. Highway Superintendent Keith Wright has looked into the prices and they can purchase one for \$17,095 under state contract.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Highway Dept. needs a 20 Ton equipment trailer, be it hereby

RESOLVED: the Highway Superintendent is authorized to purchase a 20 ton equipment trailer under state contract price for \$17,095.

Councilman Sherman seconded the motion, a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Sherman, Councilman Boone and Councilwoman Burnside.

NAYS: None

RESOLUTION # 43-2016 was thereby duly adopted.

Payment of monthly bills

Supervisor Rapp announced the monthly bill need to be paid and he made a motion to adopt the following resolution:

WHEREAS: the Town Board has audited the monthly bills, be it hereby

RESOLVED: the following bills be paid

Voucher # 432 through Voucher #486 in the amount of \$ 97,712.54

Councilman Sherman seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilman Sherman, Councilman Bichteman, Councilwoman Burnside and Councilman Boone

NAYS: None

RESOLUTION #44-2016 was thereby duly adopted.

Zoning Board of Appeals report

Chairwoman Virginia Mangold was unable to attend but submitted a report. The ZBA had no new applications for variances and did not meet on 10/24/2016. The next regularly scheduled meeting is Monday, November 28, 2016 at 7:00 PM. Councilman Bichteman made a motion to accept the ZBA report, seconded by Councilman Boone, motion unanimously carried.

Proposed Solar Moratorium

Councilman Bichteman gave an update on proposed Local Law # 3 of 2016 this had been tabled. He reported the moratorium language was being reconsidered by the Code Enforcement Officer, the Town Attorney and ZBA Chairwoman Mangold. They have chosen instead to modify a law from the Town of Coeymans to fulfill the Town of Westerlo's needs. The new recommendation is to change the Town of Westerlo Zoning Law. They will be presenting a draft of the proposed change in the Zoning Law to the Town Board at the next meeting. The public hearing on the proposed change would be scheduled sometime after that.

Planning Board (PB) Report

Chairwoman Dorothy Verch was unable to attend. The Planning Board report was read by Gerry Boone. He reported they met on 10/25/16 and received an application from Tarpon Towers II, LLC on behalf of Cellco d/b/a Verizon Wireless to install a new 120 ft. cell tower on the property of Douglas Hammon & Evelyn Trebilcock located at 512 County Route 405, Westerlo NY SBL # 174.-3-63.10.

A balloon test will be performed on Nov. 16th with a rain date of the 17th from 8am-5pm. According to our Local Law, the Planning Board needs to retain an engineering firm familiar with RF installations to review and assist the PB in the decision process. The PB is asking the Town Board to authorize the PB to move forward with this process. In anticipation of approval, the PB has reached out to 4 different firms. Three firms work with Verizon and they have declined. Laberge Group responded, positively, and they are currently working with the Towns of Brunswick and Schodack on their cell tower applications. The PB would like the Town Board's permission to move forward with Laberge Group. Based on the meeting in Nov., we anticipate a public hearing to be scheduled for Dec. 27th. Councilman Bichteman inquired about who would be paying Leberge, Mr. Boone responded the applicant, not the Town.

Broadband Research Committee (BRC)

Gerry Boone read the BRC report submitted by Dorothy Verch.

There was no meeting on Oct. 25th. The Town Attorney was able to secure a current list of physical address/billing addresses of all of the Mid-Hudson Cable customers in the Town of Westerlo. Councilman Bichteman had suggested reaching out to the various towns who have franchise agreements, they are in the process of doing that now. In order to move forward on their review of the agreement, it is still imperative that they determine that the franchise monies Westerlo is receiving is accurate. Their next meeting will be on Nov. 22nd following the Planning Board meeting.

Councilman Sherman made the following three motions;

Motion #1: To allow the Planning Board to retain the Leberge group in respect to the cell tower application, seconded by Councilwoman Burnside, motion unanimously carried.

Motion # 2 & # 3: to accept the Planning Board report and the BRC report as submitted by Chairwoman Verch, seconded by Councilman Bichteman, motion unanimously carried.

Residents asked questions regarding the duration of hours of the balloon test for the proposed cell tower. Code Enforcement Officer Ed Lawson discussed their concerns indicating it is normally a longer duration of hours. Discussion followed, Mr. Lawson will reach out to Dorothy Verch to share their concerns regarding the length of the balloon test.

Unpaid Water Levies for 2017 Property Taxes

The Town Clerk had provided to the Town Board for their review the 2016 Town of Westerlo Water District No. 1 unpaid water bills, as generated by BAS Utility program, which need to be levied onto the

2017 Town of Westerlo Property Taxes. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Town Board has reviewed the Town of Westerlo Water District No. 1 unpaid water bill list totaling \$15,652.36 for the quarterly invoice periods 10/30/15 through 7/15/2016, be it hereby

RESOLVED: the Town Board authorizes the submission of the water levies in the amount of \$15,652.36 to the Albany County Legislature for inclusion on the 2017 Tax Warrant and the 2017 Town of Westerlo Property Tax bills.

Supervisor Rapp seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Sherman, Councilwoman Burnside and Councilman Boone

NAYS: None.

RESOLUTION # 45-2016 was thereby duly adopted.

Water Board Report

Councilman Bichteman announced and he asked the Town Board to approve the appointment of George Hadden to the Water Board. George would be replacing Wayne LaGrange who had resigned from the volunteer position. Councilman Bichteman then made a motion to adopt the following resolution:

WHEREAS: there is a vacancy on the Water Board, be it hereby

RESOLVED: the Town Board appoints George Hadden to the Water Board position vacated by Mr. LaGrange.

Supervisor Rapp seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Sherman, Councilman Boone and Councilwoman Burnside

NAYS: None.

RESOLUTION # 46-2016 was thereby duly adopted.

Councilman Bichteman announced the next Water Board meeting will be held on Tue., Nov. 29th at 7:00 PM.

Basement Asbestos Abatement Bids

Councilman Bichteman reported that five bids had been received for the Town Hall asbestos abatement in basement. The bids were opened today at 2 PM.

Apparent low bidder, Sullivan Contracting Inc.	\$ 30,600
Two Brothers Contracting	\$ 71,825
Neoplanta Restoration Inc.	\$ 77,280
Fibertech Environmental Services	\$157,625
Jupiter Environmental Services	\$147,750

Delaware Engineering is reviewing the bids for proper submission of bid requirements including bid tabulation, bonds, certifications & affidavits and acknowledgement of addendum.

He discussed the need to set a date for the Building Committee to meet again in November. He explained the referendum for proposed renovation of the Town Hall was overturned by voters. Asbestos abatement is needed before major repairs can be accomplished. The furnace in the Town Hall needs to be replaced now, insulation, etc. Discussions followed between residents, Councilman Bichteman, Councilman Sherman and Ed Lawson concerning; variances, ADA compliance of bathrooms,

the current structure being an existing non-conforming building, proposed renovations that must be made in order to bring the building up to today's code standards, occupation of building, etc.

The Town Board scheduled the next Building Committee meeting for Wed., November 30th at 7PM.

Museum

Councilman Bichteman reviewed updates on the Museum presentation by Catherine Latham from last month's meeting. Due to legal issues that arose from that presentation he has proposed and suggests that a Museum Committee be formed. He has asked Town Attorney Aline Galgay if she would serve as Chairperson on the committee due to the legal issues involved. She has reached out to the persons who will serve on the committee. The committee will be comprised of Town Historian Dennis Fancher, David Hannay, Mary Jane Araldi, Councilman Joseph Boone, Alicia Malanga, and Chairperson Attorney Galgay. As such they would make recommendations to the Town Board. The key issues; artifacts remain the property of the Town, artifacts are insured, protection of artifacts on loan from others are protected and insured and move forward towards a Charter for the Museum in order to qualify for education grants. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Heritage Museum needs to move forward in order to obtain a Charter and resolve legal aspects, be it hereby

RESOLVED: the Town Board form and appoints a Museum Committee as referenced above
Councilwoman Burnside seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilwoman Burnside, Councilman Sherman and Councilman Boone

NAYS: None

RESOLUTION # 47-2016 was thereby duly adopted.

Open meeting to Public

A resident inquired about the Verizon poles and the possibility of placing cables from old poles to the new ones. The Town has no recourse.

Resident Lorraine Pecylak raised her concerns on a newly proposed cell phone tower on County Route 405. She indicated the proposed cell tower location is near her home but closer to her neighbors that would be within the range of the strongest EMF radiation. She reported on cell phone tower research and studies she had found that give both sides of the safety concerns. She provided a packet to the Town Board for their use in discussions on cell towers on studies she had found. She referenced Article 17 Town Law on Wireless Communication Facilities. She reported the proposed cell tower would be located 2.1 miles by road in distance from a current cell tower and the law states no cell phone tower shall be within 2 ½ miles to any other wireless facility. She will continue to inform and interview Town of Westerlo residents for their concerns and she will bring all the information she finds before the Planning Board. She thanked the Board for allowing her to discuss the cell tower Verizon is proposing to erect and the impact it will have. She requested guidance from the Board with steps available to residents who oppose construction of the cell tower and requested that the Board oppose construction of the cell tower in the town. The subject of cell towers in the Town of Westerlo was then discussed among Code Enforcement Officer Ed Lawson and a resident. Several residents offered their opinions and suggestions to her regarding the proposed cell tower and the Planning Board. She was advised of the next Planning Board meeting is scheduled to be held on Nov. 22 at 7:30 PM.

There being no further public comment, Supervisor Rapp asked for a motion to adjourn. Councilman Bichteman made a motion to adjourn, seconded by Councilman Sherman, motion unanimously carried. Meeting adjourned at 8:33 PM.

Respectfully submitted,

Kathleen Spinnato Town Clerk

